

REGISTRATION OF NAMES OF FARMS

Act 35 of 1941

AN ACT to provide for the registration of the names of farms, and to declare the effect thereof; to provide for the transfer of title thereto; to prescribe the powers and duties of the commissioner of agriculture; and to prescribe penalties for the violation of the provisions of this act.

History: 1941, Act 35, Eff. Jan. 10, 1942.

The People of the State of Michigan enact:

285.101 Farm names; registration; use by others prohibited.

Sec. 1. Any owner of a farm in this state may have the name of his farm, together with the legal description of the lands to which such name applies, recorded in a register kept for that purpose in the office of the commissioner of agriculture of this state, and the commissioner of agriculture shall furnish such land owner with a proper certificate setting forth such name and the legal description of such lands: Provided, however, That after a farm name has been so recorded and remains uncanceled, the same name or one so nearly like it as to produce confusion shall not be accepted and recorded by the commissioner of agriculture for any other farm in the same county as the land for which the name was first so recorded, nor for land situate in any other county in the state unless the name of such other county shall be added as a part of the name of such farm, and even when used in connection with the name of the county, such name may be used but once in each such other county.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.101.

285.102 Farm names; registration, procedure; multiple applications for same name.

Sec. 2. In the event that 2 or more farm owners shall apply for registration of their farms under the same name, on or prior to the effective day of this act or upon the same day at any time thereafter, the commissioner shall require of such applicants proof as to which began the use of such farm name first and if satisfactory proof thereof is obtained by the commissioner he shall grant registration to the one first using such name. If such satisfactory proof is not furnished, he shall deny registration to all such applicants until the names are sufficiently changed so as to be distinguishable from each other without confusion.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.102.

285.103 Farm names; registration; application, form, fee.

Sec. 3. Any person desiring to have the name of his farm so recorded shall apply for such record upon a form to be adopted and supplied by the commissioner of agriculture and shall pay the commissioner of agriculture a recording fee of \$1.00.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.103.

285.104 Transfer of registration upon conveyance of farm; notice; rights under name.

Sec. 4. When the owner of any farm, the name of which has been recorded as provided in this act, transfers title, whether by deed, inheritance or otherwise, of the whole of such farm, such transfer shall include the registration name thereof, but if such transfer be of a portion of said farm only, the registered name thereof shall not be transferred to the purchaser, or the heir, unless so stated in the conveyance. Notice of such transfer may be recorded by application to the commissioner of agriculture and the payment of a fee of 50 cents. When the owner of any farm, who has registered a name for his farm as provided in this act, shall use such name as the proprietary name in the transaction of business relating to said farm, he shall have all the rights and privileges under the registered name as said owner would have had he used his own personal name, and shall have the same standing in any court of this state.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.104.

285.105 Cancellation of registration; fee.

Sec. 5. The owner of any farm, the name of which is so registered, may cancel such registration upon notice in writing to the commissioner of agriculture accompanied by a fee of 50 cents.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.105.

285.106 Application; acknowledgment; witnesses.

Sec. 6. All applications for registration, notices of transfer and notices of cancellation shall be acknowledged under oath and shall be executed before 2 witnesses.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.106.

285.107 Fees received under act; deposit to general fund.

Sec. 7. All fees received by the commissioner of agriculture hereunder shall be transmitted to the state treasurer who shall credit the same to the general fund of the state.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.107.

285.108 Use of registered name by others; penalties; civil action.

Sec. 8. After any farm name has been duly registered as herein provided and while the same remains uncanceled, no one shall advertise, whether in trade journals, newspapers, or otherwise, any livestock, whether for sale, trade or service, nor any farm crops or produce under said farm name except the owner of the farm the name of which is so recorded, his tenant, agent or employe, nor shall any livestock or farm crops or produce be entered in any fair or show under said farm name except by the owner of such farm, his tenant, agent or employe, nor shall any animal be submitted for registration in any breed registry or to any breed association or society, under such farm name, except by the owner of such farm, his tenant, agent or employe. Any person knowingly violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not to exceed \$100.00 or to a term in the county jail for not to exceed 30 days, or to both such fine and imprisonment in the discretion of the court. In addition thereto, any person violating the provisions of this section shall be liable to the owner of the farm name so recorded.

History: 1941, Act 35, Eff. Jan. 10, 1942;—CL 1948, 285.108.